IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

NO. 3:06-CV-432-W

MELVIN McCULLOUGH,)	
Plaintiff,)))	
VS.)	
TRANS UNION LLC, EQUIFAX INFORMATION SERVICES, LLC,)	ORDER
EXPERIAN INFORMATION SOLUTIONS, INC.,)	
Defendants.)))	

THIS MATTER comes now before the Court upon Memorandum and Recommendation (M&R) of United States Magistrate Judge Carl Horn, III, recommending that Defendant Trans Union LLC's partial motion to dismiss be granted (Doc. No. 19). The time for filing objections as provided in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) has expired and no objections have been filed by either party.

The district court conducts a *de novo* review of those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). "[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." <u>Diamond v. Colonial Life & Acc. Ins. Co.</u>, 416 F.3d 310, 315 (4th Cir. 2005). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(c).

After a careful review of the record, the Court finds that the magistrate judge's findings and

recommendations are neither clearly erroneous nor inconsistent with governing law. Thus, the Court

hereby accepts the M&R of Magistrate Judge Horn and adopts it as the final decision of this Court

for all purposes relating to this case.

Furthermore, each of the three Defendants has pleaded as an affirmative defense that

injunctive relief is not an available remedy under the Fair Credit Reporting Act or that Plaintiff's

complaint otherwise fails to state a claim upon which relief can be granted. Although Trans Union

was the only Defendant formally to move to dismiss Plaintiff's claim for injunctive relief, the Court

perceives no just reason why the decision adopted today should not be extended to the similarly

situated Defendants.

It is now, therefore, ORDERED that Defendant's partial motion to dismiss (Doc. No. 11) is

GRANTED, and that Plaintiff's third cause of action is DISMISSED as to all Defendants.

IT IS SO ORDERED.

Signed: December 20, 2006

Frank D. Whitney

United States District Judge

2